

# HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

## UTILITY PATENT APPLICATION TRANSMITTAL

*Only for new nonprovisional applications under  
37 C.F.R. 1.53(b)*

Attorney Docket No.

1733.1003-012

First Named Inventor or  
Application Identifier

Howard Bernstein

Express Mail Label No.

EV 214952727 US

Title of  
Invention

MODULATED RELEASE FROM BIOCOMPATIBLE POLYMERS

### APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

1. ☐ Fee Transmittal Form  
(Submit an original, and a duplicate for fee processing)
2. ☒ Specification **Total Pages [35]**  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross References to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
3. ☒ Drawing(s) (35 U.S.C. 113) **Total Sheets [14]**  
☐ Fig. of the Drawings for Publication ☐  
☒ No Figure to be Published
4. ☒ Oath or Declaration **Total Pages [3]**
  - a. ☐ Newly executed (original or copy)
  - b. ☒ Copy from a prior application (37 C.F.R. 1.63(d))  
(for continuation/divisional with Box 17 completed)
    - i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)

6. ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Form
  - b. ☐ Paper Copy (identical to computer copy)  
[ ] Pages
  - c. ☐ Statements verifying identity of above copies

### ACCOMPANYING APPLICATION PARTS

7. ☐ Assignment Papers (cover sheet & documents)  
☒ Assignee - Alkermes Controlled Therapeutics, Inc.  
Cambridge, Massachusetts
8. ☐ Power of Attorney ☐ 37 C.F.R. 3.73(b) Statement
9. ☐ English Translation Document (if applicable)
10. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
11. ☐ Preliminary Amendment
12. ☒ Return Receipt Postcard
13. ☐ Small Entity Statement(s)
- 14a. ☐ Foreign Priority Claim under 35 U.S.C. §119 or 365
- 14b. ☐ Certified Copy of Priority Document(s)
15. ☐ Nonpublication Request (check parent application)
16. ☒ Other Remarks/Change of Address Correspondence

17. If a **CONTINUING APPLICATION**, check appropriate box; supply the requisite information.

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 10/039,285

Prior application information: Examiner: Spear, J.M.

Group Art Unit: 1615

The entire disclosure of the prior application is considered a part of the disclosure of the accompanying application and is hereby incorporated by reference.  
(Add standard Related Applications section with incorporation by reference to specification or update same)

### 18. CORRESPONDENCE ADDRESS

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Submitted by Typed or Printed Name	Susan M. Abelleira	Reg. Number	42,252

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Howard Bernstein, Yan Zhang, M. Amin Khan and Mark A. Tracy

Continuation Application of

Application No.: 10/039,285

Filed: January 3, 2002

For: MODULATED RELEASE FROM BIOCOMPATIBLE POLYMERS

Date: <u>3/10/04</u>
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REMARKS/CHANGE OF CORRESPONDENCE ADDRESS

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Sir:

The above-captioned application is a continuation of application number 10/039,285 filed on January 3, 2002 to which priority is claimed under 35 U.S.C. §120.

The specification of the present application is substantially the same as that of the parent application. The related applications paragraph has been revised to include a specific reference to the parent application. No new matter has been added.

The original claims are presented as in the parent application. A newly executed declaration under 37 C.F.R. 1.63 is not believed to be necessary under 37 C.F.R. 1.63(d) or 1.67(b).

Pursuant to 37 C.F.R. 1.63(d)(4), please note that a Notice of Change of Correspondence Address was submitted in parent Application No. 10/039,285. Please send all correspondence in the above-identified continuation application to: Customer No. 021005; Hamilton, Brook, Smith

& Reynolds, P.C., 530 Virginia Road, P.O. Box 9133, Concord, Massachusetts 01742-9133. In addition, please direct all telephone calls to David E. Brook, Esq. at (978) 341-0036, and all facsimile communications to (978) 341-0136.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

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*March 10, 2004*